



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
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**GAIL FARBER, Director**

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

May 11, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#64 MAY 11, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT  
PORRETTA CHANNEL REPAIR AND INVERT ACCESS RAMPS  
IN THE CITY OF SANTA CLARITA  
(SUPERVISORIAL DISTRICT 5)  
(3 VOTES)**

### **SUBJECT**

This action is to award a public works construction contract to Nye & Nelson, Inc., for Porretta Channel Repair and Invert Access Ramps and authorize the Director of Public Works or her designee to execute the contract for work in the City of Santa Clarita.

### **IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

Award and authorize the Director of Public Works or her designee to prepare the construction contract in the form previously approved by County Counsel, execute the contract, and establish the effective date following receipt of approved Faithful Performance and Labor and Material bonds and insurance filed by the contractor for Project ID No. FCC0001155 - Porretta Channel Repair and Invert Access Ramps, to repair a storm channel and construct access ramps, in the City of Santa Clarita, to Nye & Nelson, Inc., in the amount of \$307,901.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to obtain approval from the County of Los Angeles Board of Supervisors (Board), acting as governing body of the Los Angeles County Flood Control District,

to award this construction contract and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved Faithful Performance and Labor and Materials bonds and insurance filed by the contractor for this project.

The enclosure includes the project description, the call for bids and bid opening dates, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

The recommended construction contract is necessary to execute a Board directed and approved Department of Public Works (Public Works) project in support of operational missions. Your Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Community and Municipal Services (Goal 3). Awarding this contract will provide improved infrastructure to better serve the public and will enhance the quality of life in the affected communities.

### **FISCAL IMPACT/FINANCING**

The recommended contract amount of \$307,901 will have no impact to the County General Fund.

Sufficient funds for this project are included in the Fifth Supervisorial District's Fiscal Year 2009-10 Flood Control District Fund Budget.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and your Board's requirements.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting your Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' (County) Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

This project was found to be statutorily exempt from the provisions of the California Environmental Quality Act at the time your Board called for bids. The specifics of this finding are included in the enclosure.

### **CONTRACTING PROCESS**

The contract was solicited on an open competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids.

Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This construction contract will result in improved public works infrastructure in the communities where the work is scheduled.

**CONCLUSION**

Please return one adopted copy of this letter to Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER  
Director

GF:JTS:sc

Enclosures

c: Chief Executive Office (Lari Sheehan)  
County Counsel  
Executive Office  
Office of Affirmative Action Compliance

AWARD OF CONTRACT  
May 11, 2010

PROJECT ID NO. FCC0001155 - PORRETTA CHANNEL REPAIR AND INVERT ACCESS RAMPS (in the City of Santa Clarita), Supervisorial District 5

TYPE OF WORK: Repair of a storm channel; construction of reinforced concrete channel, invert access ramps, and retaining walls; installation of chainlink fence and gates; and the performance of other appurtenant work.

CALL FOR BIDS DATE: February 16, 2010 (Agenda Item 37)

BID OPENING DATE: March 30, 2010

BID SUMMARY:

Low	Nye & Nelson, Inc., a corporation 1860 Eastman Avenue, No. 108 Ventura, California 93003 (805) 654-1682	\$ 307,901.00
2	*4-Con Engineering, Inc.	\$ 311,192.00
3	Southland Construction	\$ 316,088.00
4	*Josh General Engineering, Inc.	\$ 324,997.93
5	Garcia Juarez Construction, Inc.	\$ 337,983.00
6	*Sol Construction, Inc.	\$ 338,674.00
7	Parsam Construction, Inc.	\$ 341,174.00
8	Peterson-Chase General Engineering Construction, Inc.	\$ 368,063.00
9	*Doty Bros. Equipment Co.	\$ 371,828.60
10	*TTS Engineering	\$ 374,398.28
11	Atlas-Allied, Inc.	\$ 383,920.00
12	*Bali Construction, Inc.	\$ 386,885.00
13	Joha Construction	\$ 394,000.00
14	Y & M Construction, Inc.	\$ 396,908.00
15	Western Structures	\$ 400,653.00
16	Granite Construction Company	\$ 426,900.00
17	C. A. Rasmussen, Inc.	\$ 437,221.20
18	+Toby B. Hayward, Inc.	\$ 519,915.00
19	+Eco Construction	\$1,118,258.50

\*MWBE

+LSBE

Commercial Services Unlimited, Inc., submitted a bid of \$363,360.99; however, their bid indicated that over 50 percent of the work was to be performed by subcontractors, which violates the contract requirements. Therefore, their bid is considered nonresponsive and rejected as provided in the Instructions to Bidders.

FINANCIAL INFORMATION:

Amount of estimate	\$421,890.00
Amount of recommended contract	\$307,901.00
Amount of recommended contract below estimate	\$113,989.00

The amount of the recommended contract is 27 percent below the estimate.

Funding for this project is included in the Fifth Supervisorial District's Fiscal Year 2009-10 Flood Control District Fund Budget.

MINORITY/WOMEN-OWNED BUSINESS ENTERPRISE DATA:

Nye & Nelson, Inc., has one MWBE subcontractor/supplier under this contract, yielding a proposed MWBE participation of 2.7 percent.

ENVIRONMENTAL IMPACT:

On February 16, 2010, Agenda Item 37, your Board found this project statutorily exempt.

CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 75 working days. It is estimated that the work will start in July 2010 and be completed in October 2010.

CM:sc

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